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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/625,206

07/23/2003

John J. Darcy III

D/A1754

8376

7590

06/29/2004

Patent Documentation Center

Xerox Corporation

Xerox Square 20th Floor

100 Clinton Ave. S.

Rochester, NY 14644

EXAMINER

GERRITY, STEPHEN FRANCIS

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,206

Applicant(s)

DARCY ET AL.

Examiner

Stephen F. Gerrity

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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DETAILED ACTION

Drawings

1. The drawings were received on 4 February 2004. These drawings are acceptable.

Specification

2. The abstract of the disclosure is objected to because at line 13, "ape" should be changed to --tape--. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because the application serial number, filing date and an updated status should be provided for the related application mentioned at page 1, first paragraph. Appropriate correction is required.

Claim Objections

4. Claims 1, 2, 7 and 22 are objected to because of the following informalities:

a. in claim 1, line 2 of paragraph (e), the word "ape" should perhaps be changed to --tape--;

b. in claim 2, line 4, the italicize text should be changed to --loop.--;

c. in claim 7, line 3, it is suggested that the word "therethrough" be inserted after "second movable carriage";
and

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d. in claim 22, the last line in paragraph (h) should perhaps end in a semi-colon. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 3 of paragraph (d), "... paper assembly" lacks proper antecedent basis; perhaps such should be changed to "--... protective sheet assembly--".

Claim 5, paragraph (c), line 2, and paragraph (d), line 2, the language "a cut sheet ..." and "the cut sheet ...", respectively, renders the claim vague and indefinite because the claim does not positively set forth any structure to cut the sheet of protective paper.

Claim 5, paragraph (e), line 3, "said at least one loop tacking aperture" lacks antecedent basis.

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Claim 5, paragraph (e), lines 3 and 4, "said second end of said cut sheet ..." lacks antecedent basis.

Claim 8, lines 2 and 3, the language "the lead end of the cut sheet" lacks proper antecedent basis.

Claim 9, lines 2 and 3, the language "the trail end ..." and "the lead end ..." each lacks proper antecedent basis.

Claim 10, last two lines, the language "said gate ..." lacks proper antecedent basis in the claim and claim 5, as does the language "lead end". It is suggested that claim 10 be amended to depend from claim 7 instead of from claim 5.

Claim 15, lines 3-6, the language "said lead-end sensor" and "said web cutter" lacks proper antecedent basis in the claim and in claim 7. Since claim 7 does recite the gate, which is further recited in claim 15, it is suggested that claim 7 be amended to depend from claim 6 (which does recite the sensor and cutter) instead of from claim 5.

Claim 18, line 2, the language "the folding station" lacks proper antecedent basis in the claim and in claim 9. It is suggested that claim 9 be amended to depend from claim 8 instead of from claim 5.

It is respectfully requested that applicant carefully review the claimed subject matter and in particular the

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dependence of the dependent claims to ensure proper antecedent basis for the claimed subject matter. These and any other informalities should be corrected so that the claims may particularly point out and distinctly claim the subject matter which applicant regards as the invention, as required by 35 U.S.C. § 112, second paragraph.

Allowable Subject Matter

7. Claims 1-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

8. Claim 21 is allowed.

9. Claim 22 is objected to as, but would be allowable if rewritten to overcome the object set forth in this Office action.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references listed on the attached form (PTO-892) are cited to show various winding and wrapping machines. All are cited as being of interest and to show the state of the prior art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Stephen**

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F. Gerrity whose telephone number is (703) 308-1279. The examiner can normally be reached on **Monday - Friday** from 5:30 - 2:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Rinaldi Rada**, whose telephone number is (703) 308-2187, may be contacted. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **TC 3700 receptionist** whose telephone number is (703) 308-1148.

27 June 2004



Stephen F. Gerrity
Primary Examiner